



New Rules—Speaker Myers.

The Tribune of last week says: "If the Speaker continues the use of his new parliamentary rules, there is no prospect of an organization for some time to come."

What new parliamentary rules has the speaker introduced? Mr. Myers occupies the speaker's chair temporarily, for the purpose of effecting an organization. In the performance of his duty, Mr. Myers is governed by parliamentary rules common for the government of such assemblies, and by such rules as were heretofore observed in the organization of the Senate.

The Tribune makes a personal attack upon Mr. Myers—charges that honorable gentleman with introducing new parliamentary rules into the Senate. This is a personal attack upon a high-minded and respectable gentleman, and such an assault as we shall take the liberty to expose.

Mr. Myers has taken a solemn obligation to perform the duties of senator to the best of his abilities and to be governed by, and supported by the constitution of the State of Ohio. He was chosen Speaker by unanimous consent of Senators holding over. He is a man, too, who is fully competent to perform the duties of Speaker, hence we feel loath to hear him denounced, not only as incompetent but also having bad and sinister motives at heart. The Tribune doubtless got its cue from the Ohio State Journal, a paper that contains far more personal abuse than common sense.

But what new parliamentary rules does Mr. Myers continue to use? The Tribune has made a bold assertion, and unless its editors will make an attempt, for an attempt it will only be, to prove what they assert in relation to the present Speaker, we would most respectfully ask them to back water, and tell their readers that the new rules which they spoke of as being introduced into the Senate and used by the Speaker, were only imaginations of their brains, somewhat affected by the heated passions of partyism.

Ohio Legislature.

The disorganizing whigs had prevented an organization of the Senate for nine days by voting down, by a tie vote, every attempt to go into election for Speaker: but on the ninth day they were very suddenly brought to their senses by the decisive course pursued by Mr. Myers, the chairman for the organization. Mr. Myers stated that he had been chosen chairman for the purpose of effecting an organization of the Senate, that he had hoped the Senate would organize by common consent and thus be sustained by precedent.—But that hope no longer remained, and he was now compelled to exercise the powers vested in the Chair by the Constitution. He therefore announced to the Senate that the first business in order would be to go into an election of Speaker. This prompt decision from the Chair took the disorganizers with surprise, they ranted and raved like mad-men, but to no effect, for they found that they were completely headed and had to yield to the decision of the Chair. Balloting for Speaker then commenced. On the first ballot Mr. Dimmock (Dem.) received 18 votes, Messrs. Dennison and Randall united received 19 votes, which result showed that there was one more vote than there were persons entitled to vote. After the third balloting Mr. Dimmock withdrew his name from the list of candidates. The Democrats then nominated Mr. Swift, the whigs nominated Mr. Randall and for three days the Senate has been balloting for speaker, Mr. Swift received 18 votes and Mr. Randall 18.

For further particulars we refer the readers to our Columbus Correspondent.

Congressional.

We have Congressional news under date of Dec. 15th. On that day the House was all day discussing the different propositions to elect a Speaker. By the Telegraphic news, we learn that on the preceding day, some very sharp words passed between Duer of New York, and Meade, of Virginia. Meade called Duer a disunionist, and Duer, in return, called Meade a liar. It is anticipated that a duel between the parties will take place. Thus the House is farther off from an organization than ever. When mankind will act from principle, and practice virtue, consistency and honesty, and cease that low deception, heartlessness, and falsehood so common among the children of men, then, and not until then, will a new era dawn upon this almost God-forsaken world of ours. We hope that much good will grow out of this difficulty in the House. Let it be a lesson for man that he is governed too much.

From California.

Below will be found a short but very interesting letter from our highly esteemed friend and Brother W. T. GILES. The sensation which the reception of this letter produced upon some of the good people of our town cannot be described.—Suffice it to say, many of them had an immediate attack of the "yellow fever," and we should not be at all surprised to hear of them floating down the great Mississippi, ere many fort-nights shall have passed away.

CALIFORNIA, DEER CREEK, Sept. 23, 1849.

Messrs J. Smith & E. Giles:—

I have but a few minutes to drop you a word.—One of our men is going to the City, and it is the only opportunity I shall have of sending, for some time, so you cannot not expect much information in this. I am in good health. I should like to hear from you, as I have not had a word from Upper Sandusky since I left, except what came through Capt. A. McElvain's letters. It is one week and two days since I got on

this stream, and some four or five weeks since I saw Capt. McElvain, having left him about 140 miles this side the Salt Lake city. He and the whole company were well when I left them.—Twenty miles this side the Salt Lake city I purchased a horse, and when some six Ohioids, who had been in our train, and sold their teams—got pack animals, caught up with us, I got the mule that the Captain left Upper Sandusky with, and then packed through. I look for the Captain and his train in a few days.

We got here last Friday evening a week ago—on Saturday we commenced operating in the mines—having bought a cradle for \$20. This cradle is made of rough boards and certainly would not cost more than three or five dollars in Ohio. We are seven in number, all from Ohio, and made on the first day of our labor about \$5 each.

Men who came here to make fortunes without labor must go away disappointed, for it is by the hardest that men make anything in this country. Gold is in abundance, but men who come here to get it, earn more than many will get. Some men by speculation get rich, but none in the mines become rich without performing hard labor.—We have to work in water sometimes, and that hard. No man who has not performed this trip can tell any thing about the hardships men have to undergo.

Some places wagons have to be let down mountains by hand and rope. One place they cut down trees and fastened them behind the wagons to get down.

Men make in this country, per day from \$5 to \$100 each. On last Friday, three of our company made 2 oz. or \$64. I was one of the three. This is rather more than men can make in the States. Everything is very high at the mines. Flour is selling at from \$25 to \$50 per hundred, sugar 60 cts. per pound, bacon 75 cts., shoes half an ounce or \$8 per pair, whiskey from 37 to 50 cents a drink, or \$3 per quart. This is about the average price of things.

I here enclose you a small amount of the gold as found, where we have been operating. It is not in such large chunks that one man cannot turn it over. The black sand you see is also found in among the gold, and is pretty hard to separate from it. We dig the earth—put it into a cradle—pour water upon it until the dirt is pretty well washed off; then draw the gold and dirt left in the cradle into a pan, and separate them by washing; the dirt being lighter than the gold, washes away and leaves the gold and black sand in the pan.

If reports be true, provisions and almost everything else, is as cheap at San Francisco as they are in the States.

We spread our Buffaloes on the ground, and tumble down upon them—have one plate for seven men and endure much more than you can imagine.

I will give you more information about matters and things in general, when I again write to you.

Yours truly ever,

W. T. GILES.

Constitution of the State of California.

The delegates to form a Constitution for the new State of California, met in Convention at the city of Monterey, on the 12th day of October, 1849, and presented to the people of California for their adoption or rejection, a most excellent constitution.

We give, below, the first and second articles of that document, to which we invite the attention of the reader. These articles contain the most important parts of the constitution.

The powers of the government of the new State of California are similar to those of our own State, being divided into three separate departments: the Legislative, the Executive, and the Judicial.

ARTICLE I.

Declaration of Rights.

Sec. 1. All men are by nature free and independent, and have certain inalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing and obtaining safety and happiness.

Sec. 2. All political power is inherent in the people. Government is instituted for the protection, security and benefit of the people, and they have the right to alter and reform the same, whenever the public good may require it.

Sec. 3. The right of trial by jury shall be secured to all, and remain inviolate, forever; but a jury trial may be waived by the parties, in all civil cases, in the manner to be prescribed by law.

Sec. 4. The free exercise and enjoyment of religious worship, without discrimination or preference, shall forever be allowed in this State, and no person shall be rendered incompetent to be a witness on account of his opinions on matters of religious belief; but the liberty of conscience, hereby secured, shall not be so construed as to excuse acts of licentiousness, or to justify practices inconsistent with the peace or safety of this State.

Sec. 5. The privilege of the writ of *habeas corpus* shall not be suspended, unless, when, in cases of rebellion or invasion, the public safety may require its suspension.

Sec. 6. Excessive bail shall not be required, nor excessive fines imposed, nor shall cruel or unusual punishments be inflicted, nor shall witnesses be unreasonably detained.

Sec. 7. All persons shall be bailable, by sufficient sureties; unless for capital offences, when the proof is evident or the presumption great.

Sec. 8. No person shall be held to answer for a capital or otherwise infamous crime, (except in cases of impeachment, and in case of militia when in actual service, and the land and naval forces in time of war, or which the state may keep with

the consent of Congress, in time of peace and in case of petit larceny under the regulation of the Legislature,) unless on presentment or indictment of a grand jury; and in any trial in any court whatever, the party accused shall be allowed to appear and defend in person and with counsel, as in civil actions. No person shall be subject to be twice put in jeopardy for the same offence; nor shall he be compelled, in any criminal case, to be a witness against himself, nor deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

Sec. 9. Every citizen may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal prosecutions or indictments for libels, the truth may be given in evidence to the jury, and if it shall appear to the jury that the matter charged as libelous is true, and was published with good motives and justifiable ends, the party shall be acquitted; and the jury shall determine the law and the fact.

Sec. 10. The people shall have the right freely to assemble together, to consult for the common good, to instruct their representatives, and to petition the legislature for redress of grievances.

Sec. 11. All laws of a general nature shall have a uniform operation.

Sec. 12. The military shall be subordinate to the civil power. No standing army shall be kept up by this state in time of peace; and in time of war no appropriation for a standing army shall be for a longer term than two years.

Sec. 13. No soldier shall, in time of peace, be quartered in any house, without the consent of the owner, nor in time of war, except in a manner to be prescribed by law.

Sec. 14. Representation shall be apportioned according to population.

Sec. 15. No person shall be imprisoned for debt in any civil action or *meane* or final process, unless in cases of fraud; and no person shall be imprisoned for a militia fine in time of peace.

Sec. 16. No bill of attainder, *ex post facto* law, or law impairing the obligation of contracts, shall ever be passed.

Sec. 17. Foreigners, who are, or who may hereafter become *bona fide* residents of this state, shall enjoy the same rights in respect to the possession, enjoyment and inheritance of property, as native born citizens.

Sec. 18. Neither slavery, nor involuntary servitude unless for the punishment of crimes, shall ever be tolerated in this state.

The right of the people to be secure in their persons, houses, papers and effects, against unreasonable seizures and searches shall not be violated; and no warrant shall issue but on probable cause, supported by oath or affirmation, particularly describing the place to be searched, and the persons and things to be seized.

Sec. 20. Treason against the state shall consist only in levying against it, adhering to its enemies, or giving them aid and comfort. No person shall be convicted of treason, unless on the evidence of two witnesses in open court.

Sec. 21. The enumeration of rights shall not be construed to impair or deny others retained by the people.

ARTICLE II.

Right of Suffrage.

Sec. 1. Every white male citizen of the United States, and every white male citizen of Mexico, who shall have elected to become a citizen of the United States, under the treaty of peace exchanged and ratified at Queretaro, on the 30th of May, 1848, of the age of twenty-one years, who shall have been a resident of the state six months next preceding the election, and the county or district in which he claims his vote, thirty days, shall be entitled to vote at all elections which are now or hereafter may be authorized by law. Provided, that nothing herein contained shall be construed to prevent the legislature, by a two-thirds concurrent vote, from admitting to the right of suffrage, Indians or the descendants of Indians, in such special cases as such a proportion of the legislative body may deem just and proper.

Sec. 2. Electors shall, in all cases except treason, felony, or breach of the peace be privileged from arrest on the days of election, during their attendance at such election, going to and returning therefrom.

Sec. 3. No elector shall be obliged to perform militia duty on the day of election, except in time of war or public danger.

Sec. 4. For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of the United States; nor while engaged in the navigation of the waters of this State or of the United States, or of the high seas; nor while student of any seminary of learning; nor while kept at any almshouse or other asylum, at public expense; nor while confined in any public prison.

Sec. 5. No idiot or insane person, or person convicted of any infamous crime, shall be entitled to the privileges of an elector.

Sec. 9. All elections by the people shall be by ballot.

Sec. 11. No judicial officer, except a Justice of the Peace, shall receive, to his own use, any fees or perquisites of office.

Sec. 12. The legislature shall provide for the speedy publication of all statute laws, and of such judicial decisions as it may deem expedient; and all laws and judicial decisions shall be free for publication by any person.

Sec. 13. Tribunals for conciliation may be established, with such powers and duties as may be prescribed by law; but such tribunals shall have no power to render judgment to be obligatory on the parties, except they voluntarily submit their matters in difference, and agree to abide the judgment, or assent thereto in the presence of such tribunal, in such cases as shall be prescribed by law.

Sec. 14. The legislature shall determine the number of Justices of the Peace, to be elected in each county, city, town, and incorporated village of the state, and fix by law their powers, duties and responsibilities. It shall also determine in what cases appeals may be made from Justice's courts to County courts.

Sec. 15. The Justices of the Supreme court, and Judges of the District court, shall severally, at stated times during their continuance in office, receive for their services a compensation, to be paid out of the treasury, which shall not be increased or diminished during the term for which they shall have been elected. The county Judges shall also severally, at stated times, receive for their services a compensation to be paid out of the county treasury of their respective counties, which shall not be increased or diminished during the term for which they shall have been elected.

Sec. 16. The Justices of the Supreme Court and District Judges, shall be ineligible to any other office, during the term for which they shall have been elected.

Sec. 17. Judges shall not charge juries with respect to matters of fact, but may state the testimony and declare the law.

Sec. 18. The style of all process shall be "The people of the State of California," and all prosecutions shall be conducted in the name and by the authority of the same.

The Post Master General's Report.

The following is that portion of the Post Master General's Report which relates to the

Rates of Postage.

It seems long to have been the received principle in this department that its expenses should be always kept within the income furnished by postage, and all exertions at the improvement and extension of the service are to be limited to, and fall within such receipts. The opinion of the community without the department is believed to be that the General Post Office, being for the dissemination of intelligence and advancement of business, is not a proper subject of taxation; that no burden for public service should lean upon it; and that the rate of postage should only be such as will pay the expenses of the care, conveyance, and delivery of the matter on which the postage is laid. These views are in no way incompatible, and may both be successfully regarded—provided a reasonable compensation be made to the department for the service it performs—by those for whose benefit such service is required.

It must be quite obvious that there can be no practicable method of ascertaining the expense of mail service on each particular letter or paper as it fluctuates with the cost in each different section of the country; but what is the proper proportion of each class of service may be settled with a good degree of justice if, when ascertained, it is to bear its fair proportion, and that only.

The classes of service now required are three: the care, transportation, and delivery—first of letters, second of newspapers and pamphlets, third of matter carried without compensation. It is by postage on the two first classes of service that the whole expenses of the department are now sustained.

The whole number of letters charged with postage passing through the mails the past year, reckoned on the postage received, agreeably to a basis heretofore approved, amounted to sixty-two millions.

On all these letters the postage collected was \$3,882,762; on newspapers and pamphlets, \$819,016. It is well known that the postage on newspapers and pamphlets, in proportion to their weight and numbers, is in a very great degree less than the letter postage; so they do not pay their proportion of the expenses of the service. It therefore follows that the letter postage pays now not only for its own cost, but also for what the paper postage falls short of its proportion, & also for all the other operations & services of the department, including the expenses of all the matter carried for the public without pay from government. This brings us to inquire what is the extent of this class of service, rendered without pay from the employers.

First, what is the nature and amount of this franked matter?

The heads of different departments frank all the mail matter sent from their respective departments, and an account was kept by the post office of the city of Washington of all such matter received by the departments for the year ending June 30, 1848, but no account of the matter sent from them. The postage on that received, at the present rate, was \$250,383 83, and the amount as then estimated at the treasury on the matter sent, would be fully equal; so that the same then amounted to \$500,767 66. [Ex. doc. 64, 2d sess 29th Cong.] In 1847 this mode of payment was abolished, and the only provision since, for this service rendered to the executive departments is an appropriation of \$200,000 per annum. It is always to be recollected that no amount of appropriation, however large, to pay for franked matter, will ever in any degree relieve the letter or paper postage, so long as such postage actually pays the whole expense of the department, whereby such appropriation remains as surplus withdrawn from the treasury.

But the principal part of the franked matter for which no payment is made to the department, consists in the letters, papers, and documents franked by the members of the Senate and House of Representatives. The amount of this matter cannot be ascertained with entire accuracy, as much is forwarded of which no account is kept. By a report from the Clerk's office of the House of Representatives, it appears that during the two sessions of the 30th Congress, ending in March last, the extra number of public documents for distribution was 370,359, and their weight was 467,762 pounds. Printed speeches, folded for members to frank, 6,582,500, which are estimated at one ounce each, 411,631 pounds. The one half of this shows the annual amount of this matter from the House of representatives the two past years. This does not include the written correspondence of the members, or the mail matter by them received. No report direct from the Senate has been received; but by a report from the post office in this city, it appears that during the year ending June 30, 1849,

The number of free written mail matter sent was	444,203
The number of free written mail matter received was	819,293
Making	1,303,503
Printed Senate speeches	397,659
Printed Senate documents	170,715
House documents	3,448,250
	5,329,988

The letter postage and pamphlet postage to which this matter would have been subject, if not franked, is computed by that report at \$792,709.

It should be recollected that the Post Office Department is not only required to mail and transport this matter, often requiring the hire of additional coaches and teams, but is also subject to the actual payments of money contributed entirely by the letter postage in this manner: By law two cents each is allowed every postmaster for the delivery of a free letter or package if his income does not exceed \$2,000 per annum. The proportion of these free papers delivered by postmasters of \$2,000 income, will not exceed one-tenth. Two cents each on the foregoing number, deducting one-tenth, was \$95,161, which is actually paid to postmasters for delivering this free matter, out of money received for letter postage. Thus it appears that for the delivery of nine-tenths of the millions of printed speeches, franked and transported in the mails, without compensation, (the printing of which cost about one cent each,) there is paid two cents each, not by the person who sends, or by the person who receives it, or by the country as for a public service, but by those who pay postage on their private correspondence.—Congress is to decide whether the franking by its members is a valuable *public service* proper to continue; and it is not intended to make any remark on that topic. Were it abolished, there would probably be very much less of such matter printed. But the postage on the remainder, together with that on the correspondence of the members and the relief of the expense of the transportation and delivery of this franked matter, would enable the Department to sustain itself, though the postage were materially reduced on letters. But if Congress continue this franking as a valuable public service, it is but just and proper that the letter correspondence, by a reduction of its postage, be relieved from its support; and that provision be made therefor in the same manner that other branches of public service are sustained.

Another great additional demand of public service by the Post Office Department, without compensation, is made this year—that is, the transmission of all the blanks, returns, and correspondence required in taking the census of 1850. Three thousand reams of these blanks are already engaged.

It has been said that the newspaper and pamphlet postage is not in proportion to the cost of their transportation; but it is not to be, therefore, understood that any increase of that postage is proposed. It

has long been regarded as sound public policy to promote the circulation of these publications by cheap postage; and it may be advisable to proceed further in this policy, especially in promoting their circulation in the vicinity of their places of publication, provided no decided injustice be done to the postmasters within the same vicinity.

It would be desirable to have a fixed sum granted from the treasury for this public service as to free matter, and then the postage so reduced and arranged as to provide for the remainder; but that course is impracticable, as the money for the treasury cannot be drawn until that from postage is first exhausted; and, therefore, the only safe way is to make reductions of postage from time to time, until justice is produced by leaving a balance, to be annually drawn from the treasury, equivalent to the public service performed; and no extent of reduction which does not produce this effect is sufficient, so long as public service is required to be performed free of postage.

What should be the degree or measure of the reduction of postage at this time, is entirely a question to be settled by Congress; but it is proposed respectfully to submit what would be the probable effect of one measure of reduction.

The most obvious and prominent feature now in our postage is the double price, ten cents, charged on all single letters carried over three hundred miles. The reduction of this ten cent postage, and charging all single letters at five cents each, would much simplify the manner of accounting, and render the same both more facile and perfect—would remove the dissatisfaction arising from the great difference in the postage in different offices, even in the same vicinity, but separated by this arbitrary line, and would promote and encourage the correspondence and intercourse by mail between the most distant parts of the country, which most need and demand it, in precise proportion as their other means of intercommunication are slow and unfrequent.

The next inquiry is, what would be the effect of this reduction on the receipts from postage, and how would it affect the treasury?

It is not possible from any returns or data in the department to ascertain with much precision the number of letters passing annually in the mail under this charge of ten cents. Even if the number of ten cent letters were actually known, it would still be impossible to determine how many of them were ten cent letters from being double. Thence arises the great difference in the estimate loss of revenue from such a reduction as was presented in the report of the Postmaster General last year, to wit: \$615,187; and that of the First Assistant, \$326,738.

From a careful examination now made of the data in the department, it is estimated that the whole number of charged letters sent through the mails the past year was 62,000,000, and of this number about 15,500,000 were subject to the ten cent postage on account of distance. If, then the reduction were to bring no more letters into the mail, the diminution of revenue therefrom the first year would be \$775,000.

It is already shown that the surplus on the first day of July last was \$691,682 70 and that on the first day of July next will be \$858,710 57, which will undoubtedly increase in future years by natural accumulation, and by increase of the number of letters arising from this reduction will, in the first year, occasion no change in the treasury, and it is extremely uncertain whether its operation can ever produce that effect. A brief trial of this experiment will show its effect, and if it should not produce any important draught of the treasury, then further reduction of postage should be made, and a corresponding provision from the treasury adopted until after this has been tested by experiment, is respectfully submitted.

A Woman's Advantage.

A woman can say what she likes to you without the risk of being knocked down for it.

She can take a snooze after dinner, while her husband has gone to work.

She can dress herself in neat and tidy calicoes for a dollar, which her husband has to earn and fork over.

She can go into the street without being obliged to 'treat' at every coffee house.

She can paint her face if she is too pale, or flour it if too red.

She can stay at home in time of war, and wed again if her husband is killed.

She can wear corsets if too thick, and other fixings if too thin.

She can eat, drink and be merry without costing her a cent.

She can run into debt all over until the husband warns the public, by advertisement, not to trust her on his account any longer.

The Republic of Buffalo proposes an union of the two democratic papers at Albany, N. Y.